



June 7, 1999

Mr. James J. Kozlowski
Executive Director
Texas Growth Fund
100 Congress Avenue
Austin, Texas 78701

OR99-1577

Dear Mr. Kozlowski:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125385.

The Texas Growth Fund (the "fund") received a request for a copy of a specific memorandum. You claim that the requested document is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and have reviewed the document at issue.

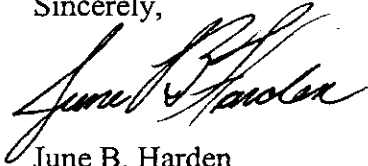
Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107(1) protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.*

You explain that the submitted document reflects the formulation of legal advice and opinion of outside counsel in the course of rendering legal services to the fund. After careful review, we agree that the submitted document reveals client confidences and attorney advice or

opinion. Therefore, the fund may withhold the submitted document under section 552.107(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "June B. Harden".

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID#125385

Encl. Submitted documents

cc: Mr. Stephen Lisson
Initiate!!
P.O. Box 2013
Austin, Texas 78768
(w/o enclosures)